

direct contrast to Applicants' claimed insect repellent compositions. Insecticidal compositions would not normally be interchangeable with repellent compositions. The insecticidal compositions of Dohara *et al.* strongly suggest that they are not suitable for application to humans. Independent claim 1 is applied to humans. By the present amendment, newly-added and patentably distinct claims are directed to specific insect repellent actives, specific alcohols and specific propellents. The Examiner noted the relevance of specific compounds (i.e., repellents; alcohols) in the subject Office Action. The rejection under Dohara *et al.* should be reconsidered and withdrawn

Claims 1 to 9, 16, 20 to 22, 24, 26, 27, 32 and 33 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,303,091 to Mailander *et al.* The present invention (claim 1 and dependent claims 2-9, 16, 20-22, 24, 26-27 and 32-33) is not anticipated by Mailander *et al.* As the Examiner will note, the claimed invention is directed to compositions that are applied to humans. The compositions of Mailander *et al.* are pesticides, insecticides, fungicides, livestock sprays, flying insect killers, garbage can sprays, and space insecticides. Also, the compositions of the present invention (c.f., claim 1) are aerosol compositions that are solutions, suspensions or dispersions. The compositions of Mailander *et al.* are emulsions. Applicants respectfully

request that the Mailander et al. rejection under 35 U.S.C. 102(b) be reconsidered and withdrawn.

Claims 1 to 11, 13, 15, 16, 20 to 24, 26, 27, 32 and 33 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,565,208 to Vlasborn. The claimed invention (claim 1 and dependent claims 2-9, 16, 20-22, 24, 26-27, and 32-33) is not anticipated by Vlasborn. Applicants emphasize that the compositions of Vlasborn are emulsions and that Applicants' claimed compositions are solutions, suspensions or dispersions. This rejection under 35 U.S.C. 102(b) should be reconsidered and withdrawn.

Claims 1 to 33 have been rejected under 35 U.S.C. 102(b) as being anticipated by, or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 4,970,220 to Chaussee. Chaussee is said to be directed to aqueous-based aerosol compositions applied to the skin (i.e., example XVIII is said to relate to a composition having the insect repellent DEET, a sunscreen, and stearyl alcohol-glyceryl stearate/PEG stearate film formers). Also, Chaussee allegedly relates to the addition of isobutane/propane to a base composition to use as an aerosol. However, Chaussee (c.f., example XVIII) is directed to insect repellent compositions in emulsion form. Claims 1 to 33 are directed to aerosol insect repellent

compositions that are solutions, suspensions, or dispersions. In addition, this art combination does not make obvious applicants' claims 1 to 33. These combined references do not either teach or suggest Applicants' claimed invention. There is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify an art reference, or combined references, to arrive at Applicants' claimed invention. This art does not either anticipate or make obvious Applicants' claims 1 to 33, and the rejection under 35 U.S.C. §102(b) or, alternatively, 35 U.S.C. §103(a), should be reconsidered and withdrawn.

Claims 1 to 24, 26, 27, 32 and 33 have been rejected under 35 U.S.C. 103(a) as obvious over Stewart (U.S. Patent No. 5,916,541) in view of Vlasblom (U.S. Patent No. 5,565,208) or Chaussee (U.S. Patent No. 4,970,220) and Mailander (U.S. Patent No. 3,303,091). Applicants' claimed invention (claims 1-24, 26-27 and 32-33) requires aerosol composition that are solutions, suspensions, or dispersions. Stewart relates to sunscreen/insect repellent compositions in emulsion form. Accordingly, Stewart, or Stewart and any combination of the other cited patents (Vlasblom, Chaussee, and Mailander) will still require an emulsion composition. Thus, no combination can arrive at the claimed invention. This rejection under 35 U.S.C. §103(a) should be reconsidered and withdrawn.

The present invention, claims 1 to 44, represents new and unobvious aerosol insect repellent compositions. Newly added claims are offered to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The present claims are believed to define over the art and satisfy statutory conditions of patentability.

In view of the above remarks responsive to the subject Office Action, Applicants believe that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn. The claims as currently presented distinguish from the art references, are fully supported in the specification, and represent patentable subject matter. Reconsideration and allowance, being in order, are earnestly solicited. Should there be further issues, the undersigned would welcome a telephone call to facilitate their resolution.

Respectfully submitted,

Dated: May 12, 2003

A handwritten signature in dark ink, appearing to read "Charles N. J. Ruggiero", is written over a horizontal line.

Charles N. J. Ruggiero
Attorney for Applicants
Reg. No. 28,468
Ohlandt, Greeley,
Ruggiero & Perle, LLP
One Landmark Square
Stamford, CT. 06901-2682
Tel. (203) 327-4500
Fax. (203) 327-6401